

REMARKS

The Official Action mailed July 28, 2004, has been carefully reviewed. The claims in the application are now claims 1-6, 8, 17, 18, 20, 21 and 23-26, and these claims define patentable subject matter consistent with what is stated in the Official Action in which **no rejections have been made**. Applicant accordingly respectfully requests early formal allowance.

The restriction requirement has been again maintained, whereby **parts** of claims 1-5, 8, 17, 18, 26 and 37, as well as claim 6, 19-21, 24 and 25, have been withdrawn from further consideration. The applicant respectfully repeats by reference what is stated in the Reply filed May 6, 2004, the Reply of March 3, 2003, at pages 9 and 10, and the Reply of September 13, 2002. Applicant respectfully repeats that there is **no known authority** for the PTO to allow claims "in part", and that the PTO has not provided any authority for its position. It is simply fundamental patent law that when claims are examined and an elected species is found allowable, the generic claims must then be given full consideration, and the PTO has simply failed to proceed according to standard practice.

Nevertheless, the amendments presented above should place the present application in condition for formal allowance.

As indicated above, no rejections have been imposed, whereby all of applicant's claims (both before and after the

Appln. No. 09/936,922  
Amd. dated August 31, 2004  
Reply to Office Action of July 28, 2004

amendments presented above) define patentable subject matter under Sections 101, 102, 103 and 112.

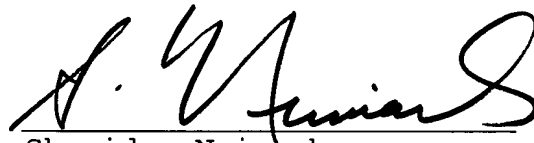
However, claims 1-5, 7, 8, 17, 18, 22, 23, 26 and 37 have been objected to as encompassing non-elected subject matter. While the objection is respectfully traversed for reasons given above and previously, this objection should now be overcome by the amendments presented above, i.e. all the claims are now directed to administering the compounds to a subject having a neurodegenerative disease or disorder.

Applicant believes that all issues have been addressed and resolved above. Accordingly, applicant respectfully requests favorable consideration and early formal allowance.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By



Sheridan Neimark  
Registration No. 20,520

SN:jec:srd  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\C\cohn\Shinitzky5\pto\AMD 31 AUG 04.doc